

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ISRAEL TEMESGEN,

Plaintiff,

-against-

JOHN D'AGUSTO,

Defendant.

23-CV-2048 (LTS)

CIVIL JUDGMENT

By order dated October 16, 2023, the Court dismissed this action for lack of subject matter jurisdiction and for failure to state a claim, but granted Plaintiff sixty days' leave to amend his complaint to allege facts demonstrating that the court has subject matter jurisdiction of his claims. Plaintiff has not filed an amended complaint.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the action is dismissed for lack of subject matter jurisdiction, Fed. R. Civ. P. 12(h)(3), and for failure to state a claim, 28 U.S.C. § 1915(e)(2)(B)(ii).

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from the Court's judgment would not be taken in good faith.

SO ORDERED.

Dated: January 2, 2024
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge